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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,714	01/31/2000	CHRISTOPHER H. GENLY	INTL-0341-US(P8391)	3825

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EXAMINER

DORVIL, RICHEMOND

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,714

Applicant(s)

GENLY, CHRISTOPHER H.

Examiner

Richemond Dorvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to because in Fig 1, block 10, NLU; block 12, VUI; Fig. 3, SHM, Fig. 9, SIO, RCU, should be spelled out. Descriptive labels should be provided for block 194, 196, 134, 200 of Fig. 9A.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. **Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. **Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

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Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.185(a). Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 9 recites the limitation "said module" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 14, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al., Patent No. 6,075,575 (filed Apr. 28, 1997).

As per claims 1, 14, 23, Schein et al. disclose a system/method comprising:
a speech recognizer that recognizes spoken requests for television programming information, (see col. 6, lines 12-16);
an output device that generates response to spoken requests fro television programming information, (see Fig. 4A).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-8, 15-22, 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. in view of Tomitsuka et al, Patent No.5,566,271.

As per claim 2, Schein et al. disclose all the limitations of claim 1 upon which claim 2 depends. Schein et al. Fail to explicitly teach a system including a module coupled to said recognizer to implement conversational speech. However, this feature is well known in the art as evidenced by Tomitsuka et al. which disclose a system comprising a voice synthesis module for

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implementing conversational speech, (see Fig. 1, block 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a voice synthesis module in Schein et al. system because Tomitsuka et al. teach one of ordinary skill in the art the benefit of using a voice synthesis in conjunction with a voice recognition module to improve man-machine interaction.

As per claim 3, Schein et al. disclose a system including a graphical user interface which provides information in a visual form about television programming and a voice user interface which responds to voice requests from the user ..., (see Fig. 4A and col. 6, lines 36-42).

As per claims 4-8, Schein et al and Tomitsuka et al. disclose all the claims limitations.

As per claim 12, Schein et al. disclose all the limitation of claim 1 upon which claim ~~11~~ 12 depends. Schein et al. further disclose a system including a television coupled to a set top box and a remote control ..., (see col. 3, lines 21-24).

As per claim 11, Schein et al. disclose all the limitation of claim 1 upon which claim 11 depends. Schein et al fail to explicitly teach a system including a processor coupled to the a speaker and a microphone, the output of said speaker being subtracted from the output of said microphone to reduce interference However, this feature is well known in the art as evidenced by Tomitsuka et al. which disclose a system including a processor coupled to the a speaker and a microphone, the output of said speaker being subtracted from the output of said microphone to reduce interference, (see col. 5, lines 1-7 and lines 8-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature in Schein et al. system because Tomitsuka et al. teach one of ordinary skill in the art the benefit of using this feature to improve operation of the system by reducing interference.

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As per claim 13, Schein et al. disclose all the limitations of claim 1 upon which claim 2 depends. Schein et al. Fail to explicitly teach a system wherein the output device is a speech synthesizer that generates responses. However, this feature is well known in the art as evidenced by Tomitsuka et al. which disclose a system wherein the output device is a speech synthesizer that generates responses(see Fig. 1, block 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a voice synthesis module in Schein et al. system because Tomitsuka et al. teach one of ordinary skill in the art the benefit of using a voice synthesis in conjunction with a voice recognition module to improve man-machine interaction.

As per claims 15-22, 24-30, claims 15-22, 24-30 are similar in scope and content to claims 2-8 rejected above, therefore, claims 15-22, 24-30 are rejected under the same rationale.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richemond Dorvil whose telephone number is (703) 305-9645. The examiner can normally be reached on Tuesday-Friday 9:30AM to 8:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 308-5576. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 3059508 for regular communications and (703) 308-9051 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Richemond Dorvil
Primary Examiner
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RD
September 8, 2002